



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Josef Wagner
Serial No.: 10/655,383
Filed: September 4, 2003
Title: "HEARING-AID REMOTE CONTROL"
Docket No.: 35369US1

REQUEST TO CORRECT INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the above referenced patent application be amended to name the actual inventors pursuant to 37 C.F.R. § 1.48. The inventive entity as set forth in the § 1.63 declaration filed on January 29, 2004 is in error. Inventor Herbert Bächler was erroneously excluded from the § 1.63 declaration. The error arose without any deceptive intent on the part of Mr. Bächler. Accordingly, Applicant requests that the above referenced patent application be amended to include Mr. Bächler as an inventor so that the actual inventors of the claimed subject matter are named in the application.

Enclosed are the following:

- (1) A statement from Mr. Bächler that the error in inventorship occurred without deceptive intent on his part.
- (2) A declaration by the actual inventors as required by § 1.63.
- (3) A check for the processing fee of \$130.
- (4) The written consent of the assignee, Phonak AG, to the correction of inventorship.

03/22/2004 EAREGAY1 00000019 10655383

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130.00 OP

Respectfully submitted,

PEARNE & GORDON LLP

By Michael W. Garvey, Reg. No. 35878

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

March 17, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Michael W. Garvey
Name of Attorney for Applicant(s)



P203428

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STATEMENT OF INVENTOR BEING ADDED TO U.S. PATENT
APPLICATION NO. 10/655,383 PURSUANT TO 37 C.F.R. § 1.48

I, Herbert Bächler, a resident of CH-8706 Meilen, Switzerland, hereby declare that I, without deceptive intent on my part, was erroneously omitted from U.S. Patent Application No. 10/655,383.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: H. Bächler

Herbert Bächler

Date: March 1, 2004

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DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION

Submitted with Initial Filing

Submitted after Initial Filing
(Surcharge (37 CFR 1.16(e)) required)

Attorney Docket No.: 35369US1

Application Number: 10/655,383

First Named Inventor: Josef Wagner

Filing Date: September 4, 2003

Group Art Unit: _____

Examiner Name: _____

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"HEARING-AID REMOTE CONTROL"

the specification of which (check only one item below)

is attached hereto,

OR

was filed on (MM/DD/YYYY) September 4, 2003 as United States Application Number or PCT International Application Number 10/655,383 and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I hereby state that the present application is at least in part a continuation of a prior application filed by me in the United States Patent and Trademark Office on February 18, 2003, Serial No. 10/368,273; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, in accordance with 37 CFR 1.56; and that, insofar as the subject matter of the present application is not disclosed in the prior application, I acknowledge my duty to disclose information for which I am aware which is material to the examination of this subject matter, in accordance with 37 CFR 1.56, and which occurred between the filing date of the prior application and the filing date of this application.

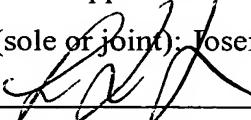
As a named inventor, I hereby appoint practitioners at Customer No. 000116 as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Address all correspondence to Customer Number 000116.

Please direct all correspondence and inquiries to Michael W. Garvey at (216) 579-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor Name (sole or joint): Josef Wagner

Signature: 

Date: March 1, 2004

Citizenship: Switzerland

Residence (City, State, Country): CH-8853 Lachen, Switzerland

Post Office Address: Oberdorfstrasse 27, CH-8853 Lachen, Switzerland

(2) Inventor Name (sole or joint): Herbert Bächler

Signature: 

Date: March 1, 2004

Citizenship: Switzerland

Residence (City, State, Country): CH-8706 Meilen, Switzerland

Post Office Address: Gruebstrasse 11, CH-8706 Meilen, Switzerland

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Josef Wagner
Serial No.: 10/655,383
Filed: September 4, 2003
Title: "HEARING-AID REMOTE CONTROL"
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ASSIGNEE CONSENT TO CORRECTION OF INVENTORSHIP

Phonak AG, a corporation of Switzerland, having a place of business at Laubisrütistrasse 28, CH-8712 Stäfa, Switzerland, is the assignee of the entire right, title, and interest in U.S. Patent Application No. 10/655,383. The assignment of said application was recorded with the U.S. Patent and Trademark Office on January 29, 2004 and is attached hereto. Phonak AG hereby consents to the amendment of the subject application to correct inventorship by adding as a named inventor Herbert Bächler who resides at CH-8706 Meilen, Switzerland.

Name: PETER DRTINA

Title: Coordinator IPR & Knowledge

Signature: P. Drtina

Date: March 1, 2004

ASSIGNMENT

WHEREAS, new and useful improvements have been made by the undersigned in

"HEARING-AID REMOTE CONTROL"

for which an application for Letters Patent of the United States was filed on September 4, 2003, which application is identified by Serial No. 10/655,383 (Pearne & Gordon LLP Docket No. 35369US1).

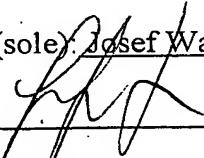
WHEREAS, Phonak AG, a corporation of Switzerland, having a place of business at Laubisrütistrasse 28, CH-8712 Stäfa, Switzerland, hereinafter referred to as "assignee", is desirous of acquiring all right, title, and interest throughout the world in, to, and under said improvements and inventions and patent rights therefor.

NOW, THEREFORE, be it known that, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, all right, title, and interest, in the United States and throughout the world, in, to and under said improvements and inventions and all patents, patent applications, patent rights, and inventors' certificates thereof, therefor, and therein, including without limitation said application for patent in the United States, all divisions and continuations thereof, all patents which may be granted thereon, all reissues and extensions thereof, all right to sue for past infringement thereunder, all patents which may be granted for said improvements and inventions by states or nations other than the United States, or by other authority, entity, or organization, and all applications therefor, have been and are hereby sold, assigned, transferred, and delivered unto assignee, its successors and assigns; and it is covenanted and agreed by the undersigned, and for executors, administrators, and legal representatives of the undersigned, that at assignee's request any and all applications, affidavits, assignments, and other instruments will be made, executed, and delivered as may be necessary, or desirable to secure for or vest in assignee, its successors or assigns, any improvement, inventions, right, title, interest, application, patent, patent right or other right or property covered by this assignment, and the United States Commissioner of Patents and Trademarks is hereby requested and authorized to issue any and all United States patents granted on any of said applications to assignee as owner of the entire right, title, and interest in, to, and under the same, and appropriately empowered officials of foreign countries are hereby authorized to issue any letters patent granted on any of said applications to assignee as owner of the entire right, title and interest in, to, and under the same.

The undersigned hereby grant the firm of Pearne & Gordon LLP the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

(1) Inventor Name (sole) Josef Wagner

Signature: 

Today's Date: November 24, 2003

Date I Signed Declaration: November 29, 2003

Witness: P.C. Ohr

Witness: B. Miller

P203428

ASSIGNMENT

WHEREAS, new and useful improvements have been made by the undersigned in

"HEARING-AID REMOTE CONTROL"

for which an application for Letters Patent of the United States was filed on September 4, 2003, which application is identified by Serial No. 10/655,383 (Pearne & Gordon LLP Docket No. 35369US1).

WHEREAS, Phonak AG, a corporation of Switzerland, having a place of business at Laubisrütistrasse 28, CH-8712 Stäfa, Switzerland, hereinafter referred to as "assignee", is desirous of acquiring all right, title, and interest throughout the world in, to, and under said improvements and inventions and patent rights therefor.

NOW, THEREFORE, be it known that, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, all right, title, and interest, in the United States and throughout the world, in, to and under said improvements and inventions and all patents, patent applications, patent rights, and inventors' certificates thereof, therefor, and therein, including without limitation said application for patent in the United States, all divisions and continuations thereof, all patents which may be granted thereon, all reissues and extensions thereof, all right to sue for past infringement thereunder, all patents which may be granted for said improvements and inventions by states or nations other than the United States, or by other authority, entity, or organization, and all applications therefor, have been and are hereby sold, assigned, transferred, and delivered unto assignee, its successors and assigns; and it is covenanted and agreed by the undersigned, and for executors, administrators, and legal representatives of the undersigned, that at assignee's request any and all applications, affidavits, assignments, and other instruments will be made, executed, and delivered as may be necessary, or desirable to secure for or vest in assignee, its successors or assigns, any improvement, inventions, right, title, interest, application, patent, patent right or other right or property covered by this assignment, and the United States Commissioner of Patents and Trademarks is hereby requested and authorized to issue any and all United States patents granted on any of said applications to assignee as owner of the entire right, title, and interest in, to, and under the same, and appropriately empowered officials of foreign countries are hereby authorized to issue any letters patent granted on any of said applications to assignee as owner of the entire right, title and interest in, to, and under the same.

The undersigned hereby grant the firm of Pearne & Gordon LLP the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

(2) Inventor Name (joint): Herbert Bächler

Signature: H. Bächler

Today's Date: March 1, 2004

Date I Signed Declaration: March 1, 2004

Witness: P. Oli

Witness: B. Haller